

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

SPORTS SHINKO CO., LTD.,
a Japanese corporation,

Plaintiff,

VS.

QK HOTEL, LLC, a Hawai'i limited liability company,
et al.,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO (USA) CO.;
LTD., a Delaware corporation, et
al.,

Third-Party Defendants.

SPORTS SHINKO (USA) CO.,
LTD., a Delaware corporation,

CIVIL NO. CV 04-00124
ACK/BMK

CONSOLIDATED CASES

**DECLARATION OF
GLENN T. MELCHINGER;
EXHIBITS "M-1" & "M-2"**

CIVIL NO. CV 04-00125
ACK/BMK

Plaintiff,

vs.

PUKALANI GOLF CLUB, LLC, a
Hawai'i limited liability company,
et al.,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO CO., LTD.,
a Japan corporation, et al.,

Third-Party
Defendants.

SPORTS SHINKO (USA) CO., LTD.,
a Delaware corporation,

Plaintiff,

vs.

KIAHUNA GOLF CLUB, LLC,
a Hawai'i limited liability
company, et al.,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party
Plaintiff,

CIVIL NO. CV 04-00126
ACK/BMK

vs.

SPORTS SHINKO CO., LTD.,
a Japan corporation, et al.,

Third-Party
Defendants.

SPORTS SHINKO CO., LTD., a
Japanese corporation,

Plaintiff,

vs.

OR HOTEL, LLC, a Hawai'i limited
liability company,
et al.,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO (USA) CO.,
LTD., a Delaware corporation, et
al.,

Third-Party
Defendants.

SPORTS SHINKO (USA) CO.,
LTD., a Delaware corporation,

Plaintiff,

CIVIL NO. CV 04-00127
ACK/BMK

CIVIL NO. CV 04-00128
ACK/BMK

| | |
|------------------------------|---|
| vs. |) |
| MILILANI GOLF CLUB, LLC, |) |
| a Hawai'i limited liability |) |
| company, et al., |) |
| Defendants, |) |
| and |) |
| FRANKLIN K. MUKAI, |) |
| Third-Party Plaintiff, |) |
| vs. |) |
| SPORTS SHINKO CO., LTD., |) |
| a Japan corporation, et al., |) |
| Third-Party |) |
| Defendants. |) |

DECLARATION OF GLENN T. MELCHINGER

I, GLENN T. MELCHINGER, declare as follows:

1. I am counsel for Plaintiff Sports Shinko (USA), Co. Ltd. ("SS USA"), Plaintiff Sports Shinko Co., Ltd. and the Sports Shinko Third Party Defendants in these consolidated actions. I make this declaration based on personal knowledge, and I am competent to testify to the matters set forth below.

2. Attached as Exhibit "M-1" to this Declaration is a true and correct copy of a certification from the Secretary of State of the State of California appended to a Statement by Foreign Corporation

filed by SS USA on June 19, 2002, and another Statement by Foreign Corporation filed by SS USA on August 8, 2005, obtained at my request.

3. Through an agent in California, I requested from the Secretary of State's office all records relating to SS USA. There was no Statement by a Foreign Corporation on file for SS USA for 2003 or 2004.

4. Attached as Exhibit "M-2" to this Declaration is a true and correct copy of a certification by the Director of the Department of Commerce and Consumer Affairs of the State of Hawaii regarding SS USA that was obtained at my request.

5. I reviewed the electronic docket report on PACER for the United States Bankruptcy Court for the Middle District of Florida, Tampa Division for In Re Sports Shinko (Florida) Co., Ltd., Case Number 8:02-bk-02804-PMG, and confirmed the proceeding was started via voluntary petition on February 18, 2002.

I swear that the foregoing is true under penalties of perjury of the United States of America.

EXECUTED: Honolulu, Hawai'i, January 25, 2007.

/s/ Glenn Melchinger